

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 3. DEPARTMENT OF TRANSPORTATION – HIGHWAYS

PREAMBLE

- 1. Sections Affected**
R17-3-901
- Rulemaking Action**
Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 28-366
Implementing statute: A.R.S. § 28-642(D)
- 3. The effective date of the rules:**
August 12, 2002
- 4. A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 7 A.A.R. 1684, April 20, 2001
Notice of Proposed Rulemaking: 8 A.A.R. 521, February 8, 2002
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Wendy S. LeStarge, Rules Analyst
Address: Administrative Rules Unit
Department of Transportation, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5079
Telephone: (602) 712-6007
Fax: (602) 241-1624
E-mail: wlestage@dot.state.az.us
Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.dot.state.az.us/ABOUT/rules/index.htm.
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**
This rulemaking relates to the criteria for installing and maintaining directional signs for colleges and universities on Arizona highways authorized by A.R.S. § 28-642(D). The Arizona Department of Transportation ("ADOT") is amending the current rule's language so that it is clear, concise, and understandable, and complies with the Secretary of State's rulemaking standards. Due to the increased number of colleges and universities, ADOT is adding two provisions: (1) only the initial, main campus of a college or university may request signing; and (2) ADOT may remove a sign that no longer complies with applicable statutes or rules. The two new provisions will allow ADOT more flexibility in placing signing or in sign rehabilitation projects where all the signs along a selected portion of a state highway are replaced. ADOT will have greater ability to follow the standards set out in the Manual of Uniform Traffic Control Devices ("MUTCD") which requires priority for some types of signing. The MUTCD is a national standard for the design and application of signing, published by the U.S. Department of Transportation, Federal Highway Administration. ADOT uses the MUTCD as the standard for signing on Arizona streets and highways to comply with A.R.S. § 28-641. This rulemaking arises from proposed agency action in the five-year review report approved by the Governor's Regulatory Review Council on May 2, 2000 (F-00-0402).

Arizona Administrative Register
Notices of Final Rulemaking

7. A reference to any study that the agency relied on its evaluation or justification for the rule, and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

ADOT is statutorily required to place directional signs for colleges and universities on Arizona highways. This rule-making will reduce the costs incurred by ADOT in placing and replacing signs on highways by: 1) restricting the locations eligible for directional signs to the initial, main campus of a qualifying college or university; and 2) granting ADOT the discretion to remove any nonconforming sign that it determines is no longer useful to the motoring public, thereby relieving ADOT from having to replace the signs. A political subdivision which agrees to place trailblazing signs for a college or university that is not on a crossroad that intersects the highway will incur the minimal to moderate costs of placing trailblazing signs along streets within its jurisdiction. However, a political subdivision will have fewer directional signs to place, especially for a college or university located close to a state highway, since ADOT already places some signs on the state highway. Colleges and universities will benefit from the directional information and name recognition the signs provide to their customers and the motoring public. The motoring public will benefit from highway directional information through reduced travel time and increased convenience in locating a college or university located on or near a state highway.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The title was changed by deleting "Division" in a different rulemaking at 8 A.A.R. 845, March 1, 2002. The citations to A.R.S. § 28-642 were made more specific by replacing them with references to A.R.S. § 28-642(D). A typographical error in the new language added to the definition of nonconforming sign was corrected by replacing A.R.S. § 28-642(D)(7) with A.R.S. § 28-642(D). A definition of "municipality" was added. A definition for "rural area" was added. The definition of "trip rate" was deleted, and the concept of trip rate was incorporated into the definition of "trip". The definition of "urban area" was amended and clarified by deleting references to "territory contiguous" and "other developed area". Subsection (C) was reorganized. Subsection (C) was amended to clarify that a political subdivision must actually install trailblazing signs it agrees to install before ADOT will install a sign on a state highway. Specific criteria for removing a nonconforming sign were added to subsection (E). Other grammatical and organizational changes were made at the suggestion of G.R.R.C.'s staff.

11. A summary of the principal comments and the agency response to them:

The agency did not receive any comments.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 3. DEPARTMENT OF TRANSPORTATION – HIGHWAYS

ARTICLE 9. HIGHWAY TRAFFIC CONTROL DEVICES

Section

R17-3-901. Signing for Colleges and Universities

ARTICLE 9. HIGHWAY TRAFFIC CONTROL DEVICES

R17-3-901. Signing for Colleges and Universities

A. Definitions.

1. "Community College" means a two-year college as described in A.R.S. § 15-1401.
"Department" means the Arizona Department of Transportation.
2. "Major metro area" means an urban area with a population of at least 50,000 ~~or more~~.

Arizona Administrative Register
Notices of Final Rulemaking

3. "Manual on Uniform Traffic Control Devices (MUTCD)" means a national standard for the design and application of traffic control devices published by the U.S. Department of Transportation, Federal Highway Administration and used as the standard for traffic control devices for use upon the streets and highways of the state of Arizona as required by A.R.S. § 28-641.

"Municipality" means an incorporated city or town.

"Nonconforming sign" means an erected sign that does not comply with this Section or A.R.S. § 28-642(D) due to changes in the statutes, rules, or changed conditions. Examples of changed conditions include the reconstruction of a highway, or physical deterioration of a sign.

4. "Regionally accredited college or university" means a college or university accredited by a regional institutional accrediting association recognized by the Arizona State Board for Private Postsecondary Education.

"Rural area" means all areas other than a major metro area, or an urban area.

5. "Signing" means standard highway supplemental guide signs as specified in the MUTCD.

6. "Trailblazing ~~signs~~ sign" means ~~signs~~ a sign installed by a local governmental agency, off the state highway, to guide traffic to a college or university.

7. "Trip" means ~~a single or one-direction vehicle movement~~ one-way commute to or from a college or university, calculated by the Department based on the number of students or dorm beds, using the following equivalents:

One student = 1 1/2 trips

One dorm bed = three trips.

8. "Trip rate" means ~~number of trips per unit of related independent variable.~~

a. ~~One student = 1.5 trips~~

b. ~~One dorm bed = 3 trips~~

9. "State University" means a university established and maintained by the Arizona Board of Regents ~~pursuant to~~ under A.R.S. § 15-1601.

10. "Urban area" means ~~the territory contiguous to a municipality or other developed area with a population of 15,000 or more~~ a municipality having a population of at least 15,000 but less than 50,000.

- B. Application for ~~Signing~~. ~~An application for signing. A college or university that qualifies under A.R.S. § 28-642(D) may request signing shall be submitted by submitting a letter on its letterhead to the Department's State Traffic Engineer, Arizona Department of Transportation. The application letter shall contain, as a minimum requirement,~~ the following information:

1. Name of college or university; ;
2. Complete street address; ;
3. ~~Name~~ Names of agencies granting accreditation; ;
4. Number of students; ;
5. Number of dormitory beds, if applicable; and
6. Signature of an individual authorized to sign for the college or university.

- C. Requirements. To be considered for signing, a college or university that qualifies under A.R.S. § 28-642(D) shall satisfy the following:

1. Is on a road that intersects a state highway. If a college or university is on a road that does not intersect a state highway, it still may qualify if:

a. The governing political subdivision submits to the Department, within 30 days from the Department's receipt of the request for signing, written confirmation stating that the governing political subdivision will install and maintain trailblazing signs; and,

b. The governing political subdivision installs trailblazing signs before the Department places signing on the state highway.

2. Meets all the requirements under subsection (C)(2)(a), (C)(2)(b), or (C)(2)(c).

- ~~1-a. Major~~ If in a major metro area:

a.i. ~~Generate~~ Generates at least 4000 trips per weekday.

b.ii. ~~Be located~~ Is three miles or less from ~~the~~ a state highway, except the distance may be increased 1/4 mile for each ~~40%~~ 10 percent increase in the required number of trips per weekday to a maximum of five miles.

c. ~~Be a state university, a community college or a regionally accredited college or university.~~

d. ~~Be located on the intersecting crossroad unless written confirmation is received from the applicable local governmental agency stating that the applicable local governmental agency shall install and maintain trailblazing signing. This written confirmation shall be received within 30 days from the date the application for signing is received by the Department of Transportation.~~

Arizona Administrative Register
Notices of Final Rulemaking

2-b. Urban ~~If in an urban area requirements:~~ :

- a.i. ~~Generate~~ Generates at least 2000 trips per weekday.
- b.ii. ~~Be located~~ Is four miles or less from the ~~a~~ state highway, except the distance may be increased 1/4 mile for each 40% 10 percent increase in the required number of trips per weekday to a maximum of five miles.
- e. ~~Be a state university, a community college or a regionally accredited college or university.~~
- d. ~~Be located on the intersecting crossroad unless written confirmation is received from the applicable local governmental agency stating that the applicable local governmental agency shall install and maintain trailblazing signing. This written confirmation shall be received within 30 days from the date the application for signing is received by the Department of Transportation.~~

3-c. Rural ~~If in a rural area:~~

- a.i. ~~Generate~~ Generates at least 1000 trips per weekday.
- b.ii. ~~Be located~~ Is five miles or less from the state highway, except the distance may be increased 1/4 mile for each 40% 10 percent increase in the required number of trips per weekday to a maximum of 15 miles.
- e. ~~Be a state university, a community college or a regionally accredited college or university.~~
- d. ~~Be located on the intersecting crossroad unless written confirmation is received within 30 days from the applicable local governmental agency stating that the applicable local governmental agency shall install and maintain trailblazing signing.~~

- D.** ~~Exceptions to standards, engineering judgment required. Supplemental . The Department may place supplemental guide signs may be placed on state highways to direct traffic to colleges and universities. The final decision to install or not to install signs for a specific college or university shall be~~ The Department shall determine whether to place supplemental guide signs for a college or university based on the specific criteria and the provisions of guidelines in the MUTCD.
- E.** ~~Nonconforming signs. Signs which exist on the effective date of this rule shall be permitted to remain in place. The Department may remove a nonconforming sign if:~~
- 1. Other signs have greater priority under the criteria in the MUTCD.
 - 2. Physical spacing of signs is limited for an upcoming interchange or intersection, or
 - 3. A greater number of trips are generated by the subject of other guide signs.
- F.** Only the initial, main campus of a qualifying college or university may qualify for signing, unless otherwise permitted by statute.